

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:17-00060

JAMIE EDWARD SMITH

SUPERVISED RELEASE REVOCATION
MEMORANDUM OPINION AND ORDER

On October 17, 2022, the United States of America appeared by Nowles H. Heinrich, Assistant United States Attorney, and the defendant, Jamie Edward Smith, appeared in person and by his counsel, Paul E. Stroebe, Esq., for a hearing on the Petition and Amendment to Petition seeking revocation of supervised release submitted by Senior United States Probation Officer Patrick M. Fidler. The defendant commenced a twenty (20) month term of supervised release in this action on October 12, 2021, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on March 24, 2021.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) on February 15, 2022, the defendant sold to a confidential informant, in Montgomery, Kanawha County, West Virginia, approximately 11.32 grams of methamphetamine, (2) on February 17, 2022, the defendant sold to a confidential informant, in Montgomery, Kanawha County, West Virginia, approximately 40 grams of methamphetamine in exchange for Three Hundred and Fifty Dollars (\$350.00), (3) on February 22, 2022, the defendant sold to a confidential informant, in Montgomery, Kanawha County, West Virginia, approximately 16 grams of methamphetamine in exchange for Three Hundred and Fifty Dollars (\$350.00), as found in the determination of the defendant's guilty plea earlier this date, (4) on October 18, 2021, the defendant submitted a urine specimen that tested positive for fentanyl without having a valid prescription for fentanyl, and (5) on October 18, 2021, arrangements were made for the offender to attend two substance abuse counseling sessions and two urine

drug screens per month and the defendant failed to appear for any drug screens and has not appeared for substance abuse counseling since December 14, 2021, with the first three violations being in violation of federal and state laws, and all as admitted by the defendant on the record of the hearing, and all as set forth in the petition and amendment to petition on supervised release.

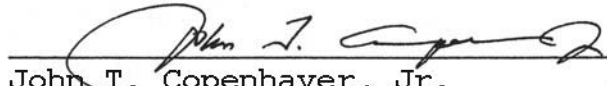
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

It is further ORDERED that the sentencing in this matter be, and hereby is, scheduled for 1:30 p.m. on January 18, 2023.

The defendant was remanded to the custody of the United States Marshal pending sentencing.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 20, 2022



John T. Copenhaver, Jr.
Senior United States District Judge